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August 11, 2015

Hon. Elizabeth S. Stong
U.S. Bankruptcy Court, EDNY
Conrad B. Duberstein Courthouse
271-C Cadman Plaza East
Brooklyn, NY 11201-1800

Re: JOANN SCOTT, CHAPTER 13 , CASE NO. 15-40038

Honorable and Dear Judge Stong:

This firm represents FJN Management Corp secured creditor/mortgagee of the Debtor. FJN moved for various relief as set forth in its motion for relief (Docket #17) which appeared on the Court's calendar August 10, 2015. The relief sought in that motion was for in rem and prejudicial relief. The grounds for the relief sought are that this case was the Debtor's third in less than a year. The opposition to the motion was based entirely on the Debtor's claimed ability to proceed with a successful Chapter 13. However, the trustee also moved for dismissal of the case which motion was also on the calendar August 10, 2015 and that motion was granted.

As the trustee's motion to dismiss was granted from the bench, all involved believed FJN's motion to be mooted. The attorney familiar with this matter who previously appeared for FJN, Rachel Blumenfeld, had a death in her family the morning of the appearance, therefore different counsel, Joel Gaffney, who was unfamiliar with the nuances of the case appeared in her place.

We respectfully request FJN's motion be granted and the proposed order submitted in conjunction therewith issue. A foreclosure sale is scheduled for August 13, 2015, and while there is no stay as to FJN or any other creditor due to this case being the third filing within a year, we believe the prior abuses by the Debtor indicate that without in rem or prejudicial relief FJN is not fully protected against further attempts to thwart the scheduled sale.

Respectfully yours,
s/*Michael C. Manniello*

cc: ERICA T. YITZHAK, Esq. (Counsel for Debtor)
MARIANNE DE ROSA (Chapter 13 Trustee)